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EXAMINER

JAMAL, ALEXANDER

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

12/02/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/644,931	<b>Applicant(s)</b> JEON, CHEOL-MIN	
	<b>Examiner</b> ALEXANDER JAMAL	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Submitted comments*

1. The examiner notes that the previous office action indicated a final action. This was in error. The prior action was non-final.
2. Based on examiner's arguments that the cited prior art does not detect when a number has been dialed ('dialing having being completed'), the examiner submits a 112 second paragraph rejection. The examiner notes that the claims were read to mean that the concurrent speaker operation was enabled at anytime, including when the dialing had been completed. The examiner notes that the dialing must inherently be completed before any conversation would pass through the phone device of Lipton and Hoess.

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. **Claims 1-23** rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

All the claims recite that a signal is concurrently sent to two speakers in a phone, in response to, among other things, 'a number having being dialed'. It is not clear how applicant's claimed system would detect when a number has been dialed. Applicant's

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specification gives no insight as to exactly what triggers this condition. For the purpose of examination, the examiner assumes that the claims recite that a signal may selectively (via a switching means) be concurrently sent to two speakers at anytime, including after a number has been dialed. Further it is not clear exactly what triggers the concurrent audio signal through the speakers as claim 1.

As per **claims 2,4,10,18,19**, the claims recite that the device detects whether a dial key has been pressed within a time limit after the handset being offhook, and based on detecting this, goes into an onhook dialing mode with the handset onhook. There appears to be missing elements as it is not clear how the handset would instantly go from off-hook to on-hook. There must be extra steps involved, including the user hanging up the phone. As such, the examiner contends that any number of steps could come in between the claimed steps, and as such, the examiner contends that any well known speakerphone has an 'on-hook dial mode' with the handset onhook, and the speakerphone mode activated. It is not clear if the detecting of a dial key in a time limit after the handset is offhook is the actual trigger for the on-hook dialing mode, as there must be additional steps in order to enable the onhook dial (speakerphone) mode.

#### **Claim Rejections- 35 USC § 103**

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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2. Claims 1-12, 15-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lipton et al [US 5,991,398] and further in view of Hoess (5956076)

Regarding **claim 1**, Lipton et al discloses a communication apparatus having a one-way speakerphone operation, as shown in Fig. 1, comprising: a handset (32) connected to the communication apparatus by a transmit-receive line, for a two-way communication operation, wherein the transmit-receive line is enabled when the handset of the communication apparatus is off-hook [Fig. 1; col. 4, lines 31-65]; a speaker (22) outputting a sound of the handset communication by pressing speakerphone key 66, to implement the one-way speakerphone operation [Fig. 1; col. 1, lines 61-65; col. 4, lines 53-65]; an input key part (i.e. user interface 56) comprising a speakerphone selection key (66) to select the one-way speakerphone operation [Fig. 3; col. 6, lines 55-64] and a plurality of dial keys (62) for a dialing of communication apparatus [col. 3, lines 3-13]; and a central control device (i.e. microcontroller) (100) controlling the one-way speakerphone operation of the speaker (22) during the two-way communication operation of the handset [Figs. 1-3; col. 4, lines 53-65; col. 5, lines 51-58; col. 6, lines 46-67]; wherein a conversation signal is transmitted through the speaker in response to the handset being off-hook [col. 4, lines 53-65], the one-way speakerphone operation selection key (66) signal being input [Figs. 1-4; col. 1, line 53 to col. 2, line 18; col. 2, line 54 to col. 4, line 65], and the dialing having being completed is inherently present in the speakerphone set. However, Lipton does not disclose an additional activated speaker that can simultaneously be used with the telephone handset during a call to output the far end signal.

Hoess discloses a communications network (that may transport phone calls) and discloses that the audio signals may be distributed to multiple handsets or audio systems (which would inherently have activations and deactivation means in order to be turned on/off). It would have been obvious to one of ordinary skill in the art at the time of this application to implement multiple audio output sources simultaneously for the inherent advantage of providing enhanced user interfaces.(Col 5 lines 1-20). Hoess also discloses the enhanced user interface advantage.

**Claim 3** is essentially similar to claim 1 and is rejected for the reasons stated above.

Regarding **claim 6**, Lipton et al disclose a communication apparatus having a one-way speakerphone operation, as shown in Fig. 1, comprising: a handset (32) configured in the communication apparatus by connection through a transmit-receive line, for a two-way communication operation [Fig. 1; col. 4, lines 31-65; col. 3, line 43 to col. 4, line 30]; a speaker (22) for one-way speakerphone operation [Fig. 1; col. 1, lines 61-65; col. 4, lines 53-65]; and a control device (i.e. microcontroller) (100) controlling the one-way speakerphone operation of the speaker (22) during the two-way communication operation of the handset (32) [Figs. 1-3; col. 4, lines 53-65; col. 5, lines 51-58; col. 6, lines 46-67]; wherein the feature that a sound is not transmitted through the speaker until a dialing has been completed is inherently present in the speakerphone [Figs. 1-2; col. 3, line 43 to col. 4, line 30].

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**Claims 17**, are essentially similar to claim 6 and is rejected for the reasons stated above.

**Claim 21** is essentially similar to claim 17 except for a machine- readable storage storing information to enable a device to perform a method. Lipton et al further disclose a machine-readable storage storing information to enable a device to perform a method [col. 10, lines 56-64; col. 12, lines 33-48; col. 14, lines 36-57; col. 16, lines 25-42].

Regarding **claim 23**, Lipton et al disclose a communication apparatus for a one way operation and a two way communication operation of a conversation requiring dialing for connection, as shown in Fig. 1, comprising:

a handset (32) to perform the two-way communication operation [Fig. 1; col. 1, line 53 to col. 2, line 10; col. 2, line 54 to col. 3, line 14];

a speaker (22) located on the base (30), separate from the handset (32), to perform at least the one-way communication operation using the speakerphone key (66), while the handset is performing the two-way communication operation [Figs. 1-2; col. 4, lines 31-65; col. 3, line 44 to col. 4, line 30], wherein the conversation is selectively presented through the speaker 22) in the one-way communication operation after-during the two-way communication operation after a dialing for the conversation has been completed also during the two-way communication operation [col. 4, lines 53- 65].

**Claim 22** is essentially similar to claim 22 and is rejected for the reasons stated above.

Regarding claim 2, Lipton et al further disclose the apparatus, wherein when the dial key signal is not input within a predetermined time of the handset being off-hook and with the one-way speakerphone function selection key signal being input, the central control device switches to an on-hook dial mode in which a user dials with the handset being on-hook, and the conversation signal is output through the speaker for a two-way speakerphone operation [Figs. 1-2].

**Claim 4** is similar to claim 2 and is rejected for the reasons stated above.

Regarding **claims, 18-19**, the limitations are shown above.

Regarding **claim 20**, Lipton et al further disclose the method, wherein the on-hook dialing mode allows a user to communicate with another party through the speaker (22), in a two-way communication operation, while the handset is on-hook (i.e. handsfree operation) [Figs. 1-2; col. 3, lines 22-43].

Regarding **claim 7**, Lipton et al further teach the communication apparatus, wherein the transmit-receive line is enabled when the handset is off-hook [col. 4, lines 31-65].

Regarding **claim 8**, Lipton et al further teach the communication apparatus comprising an input key part (56) comprising a selection key (66) for the one-way speakerphone operation of the speaker and a plurality of dial keys (62) [Figs. 1-3; col. 4, lines 53-65; col. 6, lines 55-64; col. 3, lines 3-13].

Regarding claims 9-12, the limitations are shown above.

Regarding claims 15-16, Lipton et al further teach the communication apparatus comprising a memory device that stores user data and a program for the control device, wherein the memory device comprises a ROM and a DRAM [col. 10, lines 56-64; col. 12, lines 33-48; col. 14, lines 36-57; col. 16, lines 25-42].

4. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lipton et al and Hoess (5956076) as applied to claim 6 above, and further in view of Parks et al [US 5,877,746 A].

Regarding claims 13-14, although Lipton and Hoess et al disclose using a user interface 56 with a processor (100) [Fig. 2; col. 5, lines 51-58;

col. 10, lines 56-64], Lipton et al do not teach expressly using a personal computer.

Parks et al teach a communication apparatus comprising a personal computer interface coupling a personal computer (42) to the control device, wherein the personal computer interface interfaces the communication apparatus and the personal computer to transmit information there between [Figs. 4, 17; col. 6, line 50 to col. 7, line 46].

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine

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the teachings of Parks et al with Lipton et al in order to integrate the system using the computer interface [Parks et al; col. 6, lines 50-64].

### **Response to Arguments**

1. Applicant's arguments have been considered but are not persuasive.

As per applicant's argument that Lipton does not disclose selective activation after a dialing has been completed, the examiner notes the 112 rejection above and contends that Lipton does read on the claim as written and as originally read by examiner. Applicant's arguments are specifically directed to the timing of the 'completion of dialing', however, applicant's specification does not disclose exactly at what point this occurs (what signaling is received by what device ect.).

As per applicant's arguments that the extra speakers taught by Hoess are not part of the same apparatus as the handset speaker, the examiner disagrees and notes that 'apparatus' is not limited or defined in applicant's specification, and contends it would have been obvious to integrate the speakers taught by Hoess into the speakerphone taught by Lipton. Examiner further notes that Lipton -already- discloses two separate speakers capable of concurrent operation. One skilled in the art could easily modify the speakers for concurrent operation of the same audio signal, as taught by Hoess.

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Jamal whose telephone number is 571-272-7498. The examiner can normally be reached on M-F 9AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A Kuntz can be reached on 571-272-7499. The fax phone numbers for the organization where this application or proceeding is assigned are **571-273-8300** for regular communications and **571-273-8300** for After Final communications.

/Alexander Jamal/

Primary Examiner, Art Unit 2614

Examiner Alexander Jamal

December 1, 2008